

REMARKS

As noted in Applicants' previous response, the Examiner incorrectly lists only claim 17-30 as pending on the Office Action Summary page and at the top of p. 2 of the instant Office Action. However, claims 17-45 are pending in the application. Claims 31-45 were withdrawn, but not cancelled, and are therefore still pending.

Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Examiner rejected claims 17-30 under 35 U.S.C. § 103(a) as being unpatentable over Shwed et al. (U.S. Patent 5,835,726) (hereinafter "Shwed") in view of Bowker et al. (U.S. Patent 6,601,071) (hereinafter "Bowker"). Applicants respectfully traverse this rejection for at least the reasons presented below.

In regards to claim 17, **Shwed in view of Bowker fails to teach or suggest a Document Exchange (XDOC) framework for processing in-bound and out-bound documents in an electronic procurement system.** The Examiner cites column 1-18 of Shwed and column 1-15 of Bowker, none of which (whether considered alone or in combination) teach or suggest the specific limitations of claim 1.

Shwed teaches a system for controlling the inbound and outbound data packet flow in a computer network. Shwed's system evaluates packets in a computer network on a packet by packet basis to determine whether to accept or reject each packet in accordance with a rule base. Shwed also teaches an accepted packet may be modified (e.g., encryption, decryption, signature generation) and that his system may be implemented by inspection engines placed on computer systems that act as firewalls (Abstract, columns 2-4). However, Shwed, even when combined with Bowker, fails to mention anything at all about an electronic procurement system, much less implementing

a Document Exchange framework for processing in-bound and out-bound documents in an electronic procurement system.

Bowker teaches a system that converts information between proprietary formats and XML. Bowker teaches importing data from an XML file into a target repository by receiving user input for selecting data structures within the target repository, selecting a set of fields that belong to the selected set of data structures, and mapping fields in the selected set of fields to tags associated with data within the XML file. Bowker further teaches generating a set of commands based on user inputs for populating the mapped fields (e.g., mapped to tags with the data in the XML file). Bowker's commands allow the mapped fields to be populated with the data in the XML file (Abstract). However, even when combined with Shwed, Bowker does not mention anything at all about an electronic procurement system, much less implementing a Document Exchange framework for processing in-bound and out-bound documents in an electronic procurement system.

Thus, neither Shwed nor Bowker, whether considered singly or in combination, mention anything (at all) about a Document Exchange (XDOC) framework for processing in-bound and out-bound documents in an electronic procurement system, as recited in Applicants' claim. In the Response to Arguments section of the current action, the Examiner "disagrees with Applicant's characterization of the prior art," but does not list or explain how or why Applicant's characterization is incorrect. Instead, the Examiner states, "Shwed discloses a system for controlling or modifying the inbound and outbound data packet flow in a computer network or in an electronic environment" (p. 5, lines 1-3). However, that is not what is recited in the Applicants' claim. Therefore, the Examiner's comments are not relevant to what is actually claimed.

The Examiner also asserts, "the Document Exchange (XDOC) of Applicant's claimed invention is only processing in-bound and out-bound documents in an electronic environment, and therefore is readable as the cited reference Shwed inbound and outbound processing system since both system are processing electronic data" (p. 5, lines

3-6). The Examiner is incorrect. Claim 17 does not recite only processing in-bound and out-bound documents in an electronic environment. Therefore, the Examiner's comments are not relevant to what is actually claimed.

The Examiner has overlooked, and failed to respond to, Applicants' previous arguments detailing the specific ways in which the Examiner's combination of Shwed in view of Bowker fails to teach a Document Exchange (XDOC) framework for processing in-bound and out-bound documents in an electronic procurement system, as recited in Applicants' claim.

For instance, the Examiner has failed to respond to Applicants' previous argument (see Applicants' response filed July 23, 2007, pp. 4), **Shwed in view of Bowker fails to teach or suggest an Extensible Markup Language (XML) content configuration file module configured to provide XML content gathered from a plurality of in-bound documents and applied to out-bound documents responsive to said in-bound documents.** The Examiner cites Shwed columns 1-15. However, as argued in Applicants' previous response, Shwed fails to teach or suggest anything at all about XML content gathered from a plurality of in-bound documents and applied to out-bound documents responsive to said in-bound documents, much less a *content configuration file module* configured to provide such XML content. In contrast, Shwed teaches applying rules to inbound and outbound data packet flow in a computer network. The Examiner also cites column 1-15 of Bowker. While Bowker discloses files adhering to XML format, **Bowker is silent with respect to XML content gathered from a plurality of in-bound documents and applied to out-bound documents responsive to said in-bound documents, much less a content configuration file module configured to provide such XML content.** Neither Shwed nor Bowker, taken singly or in combination, teaches or suggests an Extensible Markup Language (XML) content configuration file module configured to provide XML content gathered from a plurality of in-bound documents and applied to out-bound documents responsive to said in-bound documents. As noted above, the Examiner has not responded to this argument.

Additionally, the Examiner has not responded to Applicant's argument that **Shwed in view of Bowker fails to teach or suggest a persistent object framer (POF) module coupled to said XML content configuration file module configured to maintain data persistence of files stored in a database external to said XDOC framework in said electronic procurement system, wherein said files stored in said database correspond to said XML content in said in-bound documents and said out-bound documents respectively.** The Examiner cites column 1-18 of Shwed. However, Shwed fails to mention anything at all about maintaining data persistence of files stored in a database, much less maintaining data persistence of files that correspond to said XML content in said in-bound documents and said out-bound documents. The Examiner also cites columns 1-15 of Bowker. However, like Shwed, Bowker fails to mention maintaining data persistence of files stored in a database, much less maintaining data persistence of files that correspond to said XML content in said in-bound documents and said out-bound documents. Neither Shwed nor Bowker, taken singly or in combination, teach or suggest a persistent object framer (POF) module coupled to said XML content configuration file module configured to maintain data persistence of files stored in a database external to said XDOC framework in said electronic procurement system, wherein said files stored in said database correspond to said XML content in said in-bound documents and said out-bound documents respectively. Without some teaching in the cited art regarding maintaining data persistence of files stored in a database, much less maintaining data persistence of files that correspond to said XML content in said in-bound documents and said out-bound documents, the Examiner's combination of Shwed in view of Bowker cannot be said to teach or suggest the specific limitation of Applicants' claim.

Furthermore, it would not make sense to combine the teachings of Bowker with the teachings of Shwed, as suggested by the Examiner. For instance, Shwed explicitly states that his system operates between levels 2 and 3 of the ISO (International Standardization Organization) model:

FIG. 5 shows how a filter packet module of the present invention is utilized within the ISO model. The communication layers of the ISO model are shown at 502 at the left hand portion of FIG. 5. Level 1, block

504, is the hardware connection of the network which may be the wire used to connect the various objects of the network. The second level, block 506 in FIG. 5 is the network interface hardware which is located in each computer on the network. **The packet filter module of the present invention intercedes between this level and level 3 which is the network software.** Briefly, for the sake of completeness, the other levels of the ISO model are level 4, block 510 which relates to the delivery of data from one segment to the next, level 5, block 512, synchronizes the opening and closing of a "session" on the network. Level 6, block 514 relates to the changing of data between various computers on the network, and level 7, block 516 is the application program. (emphasis added, Shwed, column 9, lines 1-17).

One having ordinary skill in the art would immediately recognize that Bower's XML import and export tools interfacing with a user (*see e.g.*, column 2, lines 25-46), has nothing to do with the functionality of Shwed's system, which operates between the network and data link layers of the OSI model. In fact, one skilled in the art would also recognize that the tools described by Bowker would typically operate at the application layer (level 7) of the OSI model. **The Examiner has failed to respond to this argument or explain how the disparate portions of the cited art could be combined.**

Applicants assert that the combination proposed by the Examiner, which would include combining functionality from disparate levels of the OSI model, would not result in Applicant's claimed invention. **Even were such a combination to be implemented, it would result in a system wherein the packet filtering functionality taught by Shwed and the XML import and export tools taught by Bowker operate independently of one another.** Clearly, such a combination would not result in Applicant's claimed invention.

Furthermore, Applicants assert the Examiner has failed to state a proper reason as to why one of ordinary skill in the art would combine the teachings of Shwed with the teachings of Bowker in a manner that would result in Applicants invention as claimed. The Examiner asserts "it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the teaching of Shwed by including the limitations detailed above as taught by Bowker, because this

would have helped businesses to exchange information without having to know, and provide separate conversion tools for the various business formats.” However, one seeking to “help[] businesses to exchange information without having to know, and provide separate conversion tools for[,] the various business formats” would simply use the system taught by Bowker unmodified (*see e.g.*, column 3, lines 43-52; column 3, line 64 – column 4, line 3). One would not need to modify Bowker as suggested by the Examiner to “help[] businesses to exchange information without having to know, and provide separate conversion tools for[,] the various business formats.” **The Examiner has merely stated a reason to use the system of Bowker, not combine the teachings of Bowker with the teachings of Shwed to create a system adhering to the specific limitations of claim 1.**

In the Response to Arguments section, the Examiner fails to substantively respond to Applicants’ argument regarding the Examiner’s failure to state a proper reason as to why one of ordinary skill in the art would combine the teachings of Shwed with the teachings of Bowker in a manner that would result in Applicants invention as claimed. Instead, the Examiner simply cites various case law regarding obviousness and motivation without actually responding to Applicants’ specific argument regarding the fact that the Examiner’s stated reason for combining Shwed and Bowker is simply a reason to use Bowker’s system unmodified. As noted above, one seeking to “help[] businesses to exchange information without having to know, and provide separate conversion tools for[,] the various business formats” (e.g., the Examiner’s stated reason to combination Shwed and Bowker) would simply use the system taught by Bowker unmodified. The Examiner has not meet the requirements of any of the cases he cites.

Furthermore, the fact that the “rational to modify or combine the prior art ... may be expressly or impliedly contained in the prior art” or “reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law” as argued by the Examiner (Office Action, p. 5), **does not obviate the Examiner’s requirement to provide or explain a *valid* reason in the prior art for the combination.** As noted above, the Examiner’s stated

reason for combining Shwed and Bowker is merely a reason to use Bowker's system unmodified and therefore is not a valid reason to combine Shwed and Bowker to achieve what is claimed by Applicants.

Thus, for at least the reasons presented above, the rejection of claim 17 is not supported by the cited art and removal thereof is respectfully requested.

In regard to claim 26, the Examiner has not even attempted to provide a *prima facie* rejection. The Examiner fails to consider the actual language of claim 26. Instead, as noted in Applicants' previous response, it appears the Examiner has merely restated the rejection of claim 17. **However, claim 26 recites a specific set of limitations that are distinct from the particular set of limitations recited in claim 17.** More specifically, claim 26 recites specific actions of a method for providing Extensible Markup Language (XML) content from a database to a purchase order request in an electronic purchasing network.

A system resulting from the Examiner's combination of Shwed and Bowker would not include Applicant's claimed invention, as recited in claim 26. It simply would not make sense to combine the teachings of Bowker with the teachings of Shwed. As shown above regarding the claim 17, Shwed explicitly states that his system operates between levels 2 and 3 of the ISO (International Standardization Organization) model. See, Shwed, column 9, lines 1-17. One having ordinary skill in the art would immediately recognize that Bower's system, which utilizes XML import and export tools that interface with a user (*see e.g.*, column 2, lines 25-46), has nothing to do with the functionality of Shwed's system, which operates between the network and data link layers of the OSI model. In fact, one skilled in the art would also recognize that the tools described by Bowker would typically operate at the application layer (level 7) of the OSI model. Applicants assert that the combination proposed by the Examiner, which would include combining functionality from disparate levels of the OSI model, would not result in Applicant's claimed invention.

Even if such a combination (e.g., Shwed in view of Bowker) were to be implemented, it would result in a system wherein the packet filtering functionality taught by Shwed and the XML import and export tools taught by Bowker operate *independently of one another*. Clearly, such a combination would not result in Applicant's claimed invention.

Furthermore, Shwed in view of Bowker fails to teach or suggest receiving a purchasing request cataloged in a plurality of in-bound documents by said electronic purchasing network, said purchasing request comprising goods, services and supplier information defining purchasing parameters specific and unique to a particular purchasing professional. The Examiner cites columns 1-18 of Shwed and columns 1-15 of Bowker, none of which teach or suggest the specific limitations of claim 26. Neither Shwed nor Bowker, taken singly or in combination, teach or suggest anything at all about *receiving a purchasing request catalogued in a plurality of in-bound documents*, much less receiving a purchasing request cataloged in a plurality of in-bound documents by said electronic purchasing network, said purchasing request comprising goods, services and supplier information defining purchasing parameters specific and unique to a particular purchasing professional. By extension, Shwed in view of Bowker fails to teach or suggest retrieving XML content *in response to said purchasing request* from data sources external and internal to said electronic purchasing network.

Furthermore, Applicants assert the Examiner has failed to state a proper reason why one of ordinary skill in the art would combine the teachings of Shwed with the teachings of Bowker in a manner that would result in Applicants invention as claimed. The Examiner asserts "it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the teaching of Shwed by including the limitations detailed above as taught by Bowker, because this would have helped businesses to exchange information without having to know, and provide separate conversion tools for the various business formats." However, as argued above regarding claim 17, one seeking to "help[] business to exchange information without having to know, and provide separate conversion tools for[,] the various business

formats” would simply use the system taught by Bowker unmodified (*see e.g.*, column 3, lines 43-52; column 3, line 64 – column 4, line 3). The Examiner has merely stated a reason to use the system of Bowker, not combine the teachings of Bowker with the teachings of Shwed to create a system adhering to the specific limitations of claim 26.

Thus, for at least the reasons presented above, the rejection of claim 26 is not supported by the cited art and removal thereof is respectfully requested.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be completely unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

Claims 31-45:

Claims 31-45 are still pending but withdrawn per Applicants’ election with traverse in response to the restriction requirement of April 7, 2005. Applicants filed a petition under 37 CFR 1.144 on December 5, 2005 requesting removal of the restriction requirement. **A decision on this petition is long over-due and requested forthwith.** As explained in the petition, the restriction requirement is clearly improper and examination of claims 31-45 is requested.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-90700/RCK.

Respectfully submitted,

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